

FILED IN THE
UNITED STATES
DISTRICT COURT
SALT LAKE CITY, UTAH

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WILLIAM
CLARK, JR.
BY _____
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**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

In re:

**SIMON TRANSPORTATION
SERVICES, INC.; DICK SIMON
TRUCKING, INC., AND SIMON
TERMINAL, LLC,**

Debtors.

Case No. 02-22906

Case No. 02-22907

Case No. 02-24874

Chapter 11

(Jointly Administered)

**MOTION FOR (I) RECONSIDERATION
OF APRIL 22, 2002 ORDERS
AUTHORIZING SALE, ETC. AND
APPROVING ASSUMPTION AND
ASSIGNMENT OF EXECUTORY
VENDOR CONTRACTS, ETC., AND (II)
EXCLUSION OF THE FREIGHTLINER
COMPANIES FROM THE EFFECTS OF
THOSE ORDERS**

Judge Glen E. Clark

Freightliner LLC (f/k/a/ Freightliner Corporation) and Freightliner Market Development Corporation (together, the "Freightliner Companies" or "Freightliner"), by and through their undersigned counsel, Parsons Behle & Latimer, hereby move for



- Reconsideration of this Court's April 22, 2002 Order Pursuant to Sections 105(a), 363, 365, and 1146 of the Bankruptcy Code: (A) Authorizing the Sale of Substantially All of the Debtors' Assets to Central Refrigerated Service, Inc. Free and Clear of Liens, Claims, Interests and Encumbrances; (B) Approving the Asset Purchase Agreement; and (C) Granting Related Relief (the "Sale Order");
- Reconsideration of this Court's April 22, 2002 Order (A) Granting Joint Motion of Debtors and Central Refrigerated Service, Inc.; (B) Authorizing Assumption and Assignment of Executory Contracts (Vendor Contracts); and (C) Granting Related Relief (the "Contracts Order," together with the Sale Order, the "Orders"); and
- Exclusion of the Freightliner Companies, and all agreements to which they are a party with the Debtors, entirely from the effects of those Orders.

The basis for the relief requested is that the Orders granted substantial relief against Freightliner, but Freightliner did not receive adequate notice of the motions that resulted in those Orders and the Orders granted relief that went far beyond what was requested in those motions.

RESPECTFULLY SUBMITTED this 2nd day of May, 2002.

PARSONS BEHLE & LATHIMER

By 

J. THOMAS BECKETT

ANNE E. RICE

Attorneys for the Freightliner Companies